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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSEPH ZIMMERMAN, individually and as
Trustee of the ZIMMERMAN FAMILY
TRUST 1994,

CASE NO.: 2:22-cv-1174-JCM-MDC

Plaintiff,

vs.

PENN-STAR INSURANCE COMPANY,

Defendant.

**JOINT AMENDED STIPULATED
DISCOVERY PLAN AND
SCHEDULING ORDER**

Plaintiff Joseph Zimmerman, both individually and as Trustee of the Zimmerman Family Trust 1994 (“Plaintiff”) and Defendant Penn-Star Insurance Company (“Defendant”), by and through their counsel, jointly, submit the following Amended Stipulated Discovery Plan and Scheduling Order pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1.

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1(a), a hearing was held on February 11, 2025, and was attended by Kevin Pollack, Esq., for Plaintiff, and Paul A. Acker, Esq., of Resnick & Louis, P.C., wherein the Parties were ordered to file this Joint Amended Discovery Plan and Scheduling Order:

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AMENDED DISCOVERY PLAN AND PROPOSED SCHEDULE

A. Initial Disclosures

The Parties exchanged their initial disclosures on or before October 22, 2022.

B. Subjects of Anticipated Discovery

Pursuant to Fed. R. Civ. P. 26(f)(3)(B), the Parties believe that discovery may be needed on the following subjects: (1) the nature and basis of Plaintiff's insurance claim; (2) Defendant's adjustment, investigation, and evaluation of Plaintiff's insurance claim; (3) Defendant's claims and adjustment policies and procedures; (4) Defendant's claim and coverage decisions; (5) the communications between the parties and/or their agents; (6) the issuance of the subject insurance policy and how it was underwritten; and (7) the nature and scope of Plaintiff's damages.

C. Discovery Plan and Proposed Schedule

The Parties propose the following Amended Discovery Plan and Proposed Schedule Pursuant to Local Rule 26-1(b):

1. Discovery Cut-Off Date

The close of discovery will be July 25, 2025.

2. Amending the Pleadings and Adding Parties

Pursuant to Local Rule 26-1(b)(2), the deadline for filing motions to amend the pleadings or to add parties is 90 days before the close of discovery, which was April 28, 2025.

3. Expert Disclosures (Fed. R. Civ. P. 26(a)(2))

Pursuant to Local Rule 26-1(b)(3) the Parties' respective expert disclosures must be made 60 days before the discovery cut-off date, which is May 27, 2025, and rebuttal expert disclosures must be made 30 days after the initial disclosure of experts, which is June 26, 2025.

4. Dispositive Motions

The deadline for filing motions for summary judgment will be August 27, 2025.

1 The deadline for filing dispositive motions, including motions in limine, will be
2 September 26, 2025.

3 **5. Pretrial Order**

4 Pursuant to Local Rule 26-1(b)(5), the deadline for the joint pretrial order is 30 days
5 after the dispositive motion deadline, or October 27, 2025

6 **6. Alternative Dispute Resolution**

7 The Parties have agreed on a mediator and have confirmed a mediation date for April
8 28, 2025.

9 **7. Court Conference**

10 The Parties are not requesting a court conference.

11 **8. Alternative Forms of Case Disposition**

12 Pursuant to Local Rule 26-1(b)(8), the Parties have considered consent to trial by a
13 Magistrate Judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, and the use of the Short Trial
14 Program (General Order 2013-01).

15 The Parties do not believe that this case would effectively be resolved through the Short
16 Trial Program.

17 After meeting and conferring, the parties do not consent to have this matter tried before
18 a Magistrate Judge.

19 **9. Electronic Evidence**

20 Pursuant to Local Rule 26-1(b)(9), the Parties have discussed and intend to present
21 evidence in electronic format to jurors for the purposes of jury deliberations. The Parties agree
22 and stipulate that the preferred method for disclosure and discovery of electronically stored
23 information is Portable Document Format (“PDF”), such as Adobe Acrobat, with a recognize
24 text Optical Character Recognition (“OCR”) enabled. The Parties also agree that the
25 information can also be produced in the format in which the material is conveyed from the
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1 client to its counsel, provided that special software is not necessary to open or view the
 2 information. If in good faith a party questions the authenticity of an electronically stored
 3 document, or for other good faith reason, the party may request the PDF format document to be
 4 produced in its native format.

5 **10. Discovery Disputes**

6 Pursuant to Local Rule 26-1(c), the Parties agree that before moving for an order
 7 relating to any discovery dispute, the movant must request a conference with the assigned
 8 magistrate judge.

9 **11. Extension of Scheduled Deadlines**

10 Pursuant to Local Rule 26-3, a motion or stipulation to extend a deadline set forth in a
 11 discovery plan must be received by the court no later than 21 days before the expiration of the
 12 subject deadline. A request made within 21 days of the subject deadline must be supported by a
 13 showing of good cause. A request made after the expiration of the subject deadline will not be
 14 granted unless the movant also demonstrates that the failure to act was the result of excusable
 15 neglect.

16 DATED this 14th day of February, 2025.

17 DATED this 14th day of February, 2025.

18 RESNICK & LOUIS, P.C.

19 POLI, MOON, ZANE, PLLC &
 20 ABIR COHEN TREYZON SALO, LLP

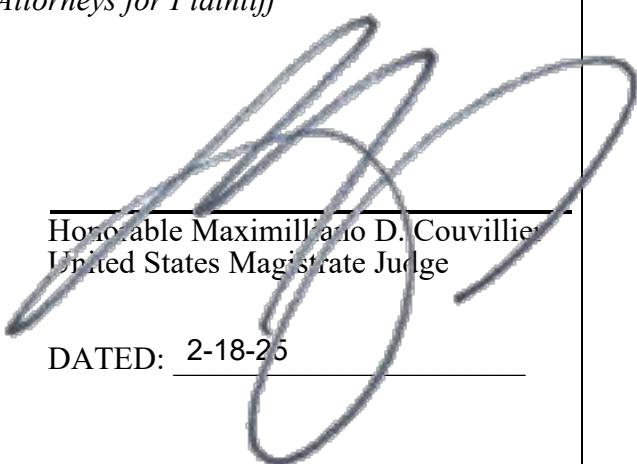
21 */s/ Paul A. Acker*

22 By: */s/ Kevin M. Pollack*

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 24 BETHANY L. KIRKENIR, ESQ.
 25 *Attorneys for Defendant,*
 26 *Penn-Star Insurance Company*

27 MICHAEL N. POLI, ESQ.
 28 KEVIN M. POLLACK, ESQ.
Attorneys for Plaintiff

IT IS SO ORDERED. Denied without prejudice. The
 parties provided two dates for dispositive motions. The
 correct date for dispositive motion deadline should be
 08/27/25. The parties also need to correct the joint
 pretrial order deadline to 09/26/25, and include the
 language from LR 26-1(b)(5). Deadlines to file motions
 in limine are governed by LR 16-3. Finally, the parties
 must identify on the caption all prior extensions per LR
 IA 6-1 (e.g. "This is the parties' ____nd extension.").
 Finally, the parties must strike paragraph 10. Any
 discovery disputes must be resolved in accordance with
 the Court's 08/16/24 Standing Order (ECF No. 43). The
 parties may submit an amended stipulation correcting the
 foregoing.


 Honorable Maximillian D. Couvillier
 United States Magistrate Judge

DATED: 2-18-25